

**To:** Lowy, Michael[Lowy.Michael@epa.gov]  
**From:** Pabst, Douglas  
**Sent:** Sun 9/25/2016 8:52:45 PM  
**Subject:** FW: Biotrial Next Steps  
[removed.txt](#)

Douglas Pabst  
Chief, Drinking Water and Municipal Infrastructure Branch  
USEPA Region 2  
Clean Water Division  
290 Broadway  
New York, New York 10007-1866  
Telephone: 212-637-3797  
Cell: 718-427-3499  
Email: [pabst.douglas@epa.gov](mailto:pabst.douglas@epa.gov)  
[www.epa.gov](http://www.epa.gov)

---

**From:** Allison Kinnucan [mailto:Allison.Kinnucan@biotrial.com]  
**Sent:** Friday, September 23, 2016 6:50 PM  
**To:** Kennedy, Dan <Dan.Kennedy@dep.nj.gov>  
**Cc:** Padilla, Magdalena <Magdalena.Padilla@dep.nj.gov>; Pabst, Douglas <Pabst.Douglas@epa.gov>  
**Subject:** RE: Biotrial Next Steps

Dear Dan,

Thank you for your detailed response. Please allow me to bring Douglas Pabst, Chief, Drinking Water and Municipal Infrastructure Branch at the EPA into this conversation. I reached out to the EPA a few days ago and it is my understanding that Doug and his team have been working the their counterparts in the NJDEP office Division of Water Supply and Geoscience to fully understand the problem that we have been facing. I am not sure how your teams interact or overlap, but I thought it might be useful to share information.

I understand from what you have outlined that you think that the NJDEP has taken this process as far as you can for the time being and that you think that it is up to Biotrial work with higher levels of the City of Newark to try to seek resolution together. I appreciate you and the DEP's continued willingness to assist us in this process. However, this not being something that I deal with every day (until the past 11 months, that is), I would appreciate all of the guidance that you and/or Doug can give me as to how we can effectively escalate the conversation.

I did not immediately respond to your request for a meeting because I wanted to understand if and how further discussions and meetings could be helpful in resolving the issue. I have a strong sense that the City is going back on their word (specifically thinking back to the offer they gave in July), however, perhaps I am mistaken and I misunderstand what is acceptable as "clean and safe" water. I have not received the final tests on lead and iron which Andrea indicated would be completed early this week.

For information, when we changed the previous filter, we installed a new one at the same entry point in the basement. It was left for 7 days and was removed Tuesday. The results are the same, if not worse, than the last filter and we are planning on analyzing the particles that were in the water which we poured from the filter.

I will be arriving in Newark on Monday afternoon and will be there for the rest of the week. As I mentioned previously, we will be having a Ribbon Cutting & First Anniversary event on the site on Friday, September 30<sup>th</sup>. In addition to French political representatives and important clients, the President of NJIT and Lt. Governor Kim Guadagno will be speaking at the event. My week is therefore very full with preparations for the event, however, I would be happy to meet with you, the EPA and the City of Newark, if you are available. Any time Tuesday, Wednesday and Thursday morning are possible for me. Thursday afternoon could maybe work, but it will be more complicated. Please let me know if you think that this is feasible.

Thank you,  
Allison

---

**De :** Kennedy, Dan [<mailto:Dan.Kennedy@dep.nj.gov>]

**Envoyé :** vendredi 23 septembre 2016 22:21

**À :** Allison Kinnucan

**Cc :** Padilla, Magdalena

**Objet :** RE: Biotrial Next Steps

Dear Allison,

After reviewing your email and discussing this matter with staff, I offer the following.

#### Process

The process that was laid out was a step by step process, not circular. We developed a joint action plan (flushing, testing, evaluation) to systematically gather information with the goal of pinpointing the problem(s) and identifying path forward. The first step was flushing of lateral and video surveillance of the line. This took place on 9/7/16. After flushing and video surveillance all parties agreed that the water appeared to be clear. A draining of the interior plumbing was required to be performed as well as letting two faucets on each floor run for a week.

Upon completion of the lateral flushing, it was agreed that the City of Newark would take samples for a limited period of time. Testing at the point of entry location (basement- represent water coming into the building) and at a location within the building (represent internal plumbing) took place. Initial samples were collected on 9/12/16 at the basement tap and kitchen sink on the 4th floor. Visually the sample from the basement tap was clear and the sample on the 4th floor was not. A partial analytical report was submitted by NWD. There was a difference between the basement and 4th floor sample results for color and turbidity. I believe we are still awaiting the rest of the results (iron and lead).

In addition, Biotrial installed a filter – a side-stream of the water entering the building is passed through a filter (purpose – visual/qualitative; not quantitative or regulatory related to drinking water secondary standards). NWD is taking weekly samples.

Based on the 1st set of analytical results, how the basement (POE) and building location results compare will be telling. During the period between the connection to the lateral and the aggressive flushing, sediment and materials were gathering/settling in the internal plumbing. The low water usage in the facility would not clear residual materials in the internal plumbing, so the issue would remain until the internal plumbing was drained. Confirming that the interior plumbing was drained and two faucets on each floor were left open for a period of time after completion of the 9/7 flushing would be helpful.

We also believe that it would be instructive for Newark to open the meter box, located in the basement near where Biotrial installed the filter & and prior to the backflow assembly. If the meter box is running clear or not would be informative.

This is where we are at now.

#### Effort

I believe that NJDEP has gone above and beyond its statutory / regulatory responsibilities to resolve this matter amicably.

NJDEP has been actively involved with this issue since March this year. During the past 6 months we have reviewed materials submitted by Biotrial and discussed the issue at length with City of Newark reps on multiple occasions in an attempt to come to understand the issue and come to a resolution. We also reached out to other water system experts in New Jersey to get additional input on what could be the cause of this issue and potential solutions.

NJDEP initially visited the Biotrial facility on 4/4. Staff, including the Director of Water Supply and Geoscience attended a meeting at Biotrial on 6/3. NJDEP staff also attended the service line flushing on 9/7.

Most recently, on 9/15 I recommended DEP participate in another site visit. The offer was not addressed in your last correspondence to me.

#### Authority

Based on a history of sampling, lead concentrations for Newark's water system have not exceeded an action level of 15 ppb in more than 10% of customer taps sampled and are therefore in compliance with the Federal Safe Drinking Water Lead and Copper Rule.

Iron is a secondary standard and our ability to compel Newark to address issues you are facing is limited.

### **Recommendation**

Biotrial and the City of Newark need to evaluate the results and take next steps together to identify a final solution. I, nor my professional staff, believe that there is sufficient information to draw a final conclusion.

I will be advising City of Newark of the same.

I recommend strongly that higher levels of management in the City of Newark and Biotrial engage on this matter. NJDEP remains available to assist.

Dan Kennedy

---

**From:** Allison Kinnucan [<mailto:Allison.Kinnucan@biotrial.com>]

**Sent:** Thursday, September 15, 2016 5:15 PM

**To:** Kennedy, Dan

**Cc:** Padilla, Magdalena

**Subject:** RE: Biotrial Next Steps

Dan,

Thank you for your message.

I have to be honest, this seems to be exactly the same message that I received from the DEP in the spring – we have had multiple meetings and discussions since. I feel that we are going in circles. If the problem is our building, how do you explain the iron (and lead) particles on the filter in the basement? This water has not been run through any pipes in our building – it has come from the main, through the service connection and that is it – you can see in the picture below where the filter was installed. The service connection pipe is one year old and is cement lined. There are no cracks in the pipe. We have inspected it twice (I have the videos, you are welcome to review them). Prior to the flushing performed by the City last week, there was significant sediment in the connection pipe. Owen described that there was still sediment when they inspected it between the two bouts of flushing (strangely, the City did not record the inspection, so I can only go on what I have been told). Given the color of the water and the amount of particles in the filter that we installed from Thursday to Monday, we are obviously still drawing iron particles in the building. The only logical origin of the sediment is the main in the street. The main in the street is made of iron and it is 147 years old. It has never been inspected.

If the water looks worse on the 4<sup>th</sup> floor it seems logical that it is because the continual contamination from the City's water has caused our entire system – brand new copper piping, to be riddled with iron and other impurities.

I have remained patient and cooperative throughout this entire process. Biotrial has spent a significant amount of money and time on this problem. We were promised that if we let the City of Newark perform the flushing and that the water quality did not improve, that they would change our connection to the 8" main. They are obviously not willing to keep their word.

If you think that that DEP cannot move this forward beyond this point, please tell me now and I will explore other avenues. I cannot knowingly allow our employees or volunteers to continue to be exposed to iron and lead particles – please see the filter below. It is dangerous and unacceptable.

Thank you,  
Allison

---

**De :** Kennedy, Dan [<mailto:Dan.Kennedy@dep.nj.gov>]

**Envoyé :** jeudi 15 septembre 2016 22:41

**À :** Padilla, Magdalena; Allison Kinnucan

**Objet :** RE: Biotrial Next Steps

Allison,

We requested that Newark provide the results of the samples collected on Sept 12, 2016. We will review the data, which is said to be in by early next week.

Simply put, if basement POE sample is low and 4th floor sample is high, this could be an indication that the source water is not an issue and leads to looking at the internal plumbing. The reciprocal is also possible. So getting the results is critical in the path forward.

DEP is recommending a site visit with DEP, Biotrial and Newark in attendance for mid-week, next week. Newark will be requested to open the meter box. If meter box is clear, it may be another indication that the issue is within the building (internal plumbing). If the meter box is not clear, then issue may point to source water.

As you know, iron is a secondary standard and our ability to compel Newark to address issues that are theirs to correct is not cut and dry. We continue to recommend that systems work with their customers to mitigate issues they are experiencing.

Dan Kennedy

---

**From:** Padilla, Magdalena  
**Sent:** 9/15/2016 11:34 AM  
**To:** [Allison Kinnucan](#)  
**Cc:** [Kennedy, Dan](#)  
**Subject:** RE: Biotrial Next Steps

Allison,

Dan and I just spoke and he'll follow up with you to provide more details. Our expectation is to have the DEP technical team in Newark next team for a hands-on review of the current conditions so that we can have the correct technical data to support a meaningful discussion. Dan will follow up and he and I will stay closely engaged.

Magdalena Padilla, Esq.  
Chief of Staff  
New Jersey Department of Environmental Protection  
Office of the Commissioner  
401 East State Street  
P.O. Box 402  
Trenton, NJ 08625-0402  
Office: (609) 633-1123  
Fax: (609) 292-7695  
Email: [Magdalena.Padilla@dep.nj.gov](mailto:Magdalena.Padilla@dep.nj.gov)

NOTE: This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This E-Mail and its contents may be Privileged & Confidential due to the Attorney -Client Privilege, Attorney Work Product, Deliberative Process or under the New Jersey Open Public Records Act.

If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.

---

**From:** Allison Kinnucan [<mailto:Allison.Kinnucan@biotrial.com>]  
**Sent:** Thursday, September 15, 2016 10:30 AM  
**To:** Padilla, Magdalena <[Magdalena.Padilla@dep.nj.gov](mailto:Magdalena.Padilla@dep.nj.gov)>; Kennedy, Dan <[Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)>  
**Subject:** TR: Biotrial Next Steps

Dear Magdalena, Dear Dan,

I hope that you have made headway in your internal discussions about this problem. I would appreciate any update you might have.

Thank you,  
Allison

**De :** Adebowale, Andrea [<mailto:Adebowalea@ci.newark.nj.us>]

**Envoyé :** jeudi 15 septembre 2016 16:25

**À :** Allison Kinnucan

**Cc :** Magdalena Padilla; Patricia Gardner; Owen Nurse; Gelin, Michel; Pierre Ollivier; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov); [cschneider@1ssh.com](mailto:cschneider@1ssh.com)

**Objet :** RE: Biotrial Next Steps

See results for residual chlorine, color, turbidity and bacteria. The iron and lead analyses will be completed by early next week. The results show that the water entering the building has acceptable levels for color and turbidity. The water after travelling through the building has high levels of turbidity and color. This is an internal problem.

*Andrea Hall Adebowale, Director  
Department of Water & Sewer Utilities  
(973) 733-6303*

---

**From:** Allison Kinnucan [<mailto:Allison.Kinnucan@biotrial.com>]

**Sent:** Tuesday, September 13, 2016 2:08 PM

**To:** Adebowale, Andrea

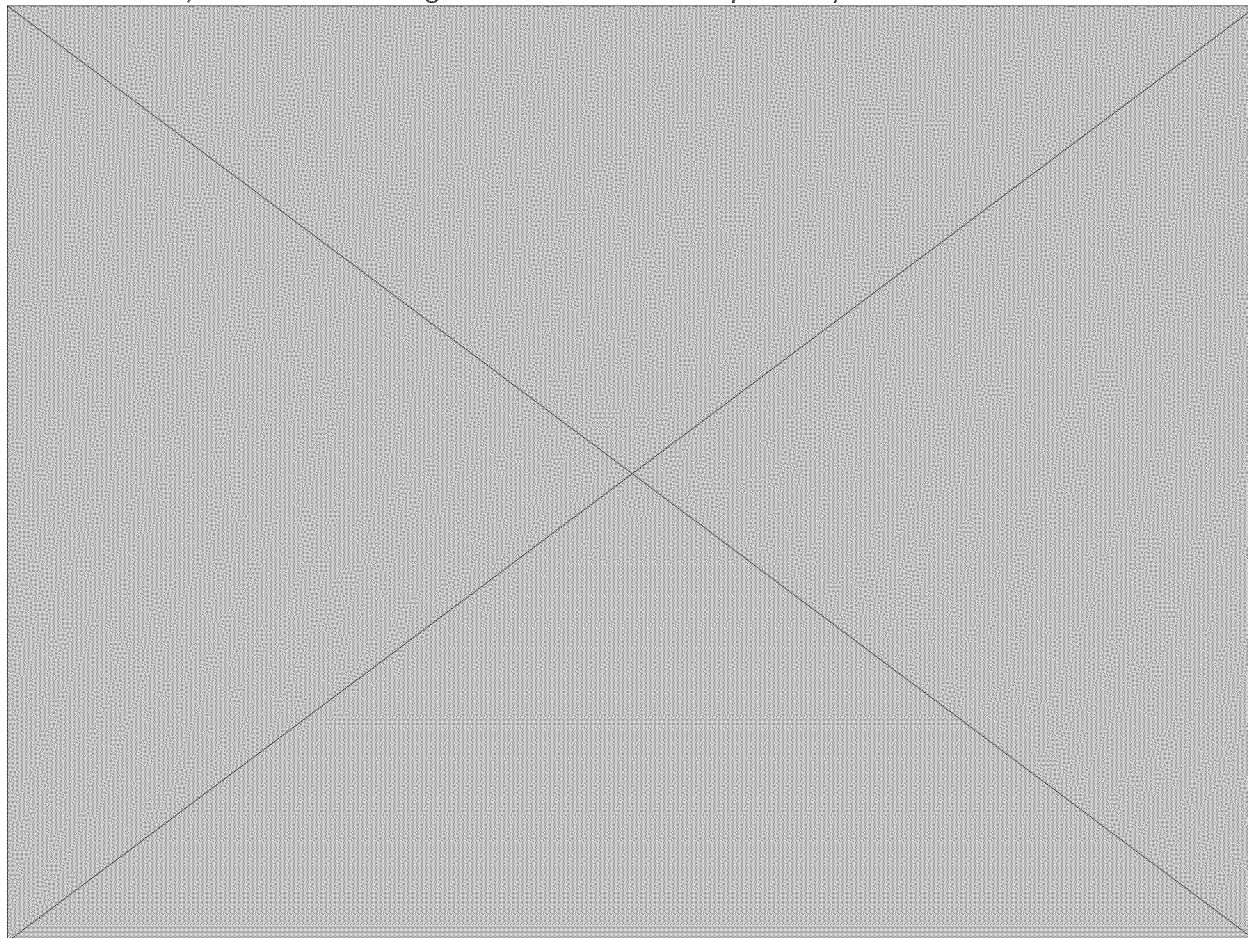
**Cc:** Magdalena Padilla; Patricia Gardner; Owen Nurse; Gelin, Michel; Pierre Ollivier; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov); [cschneider@1ssh.com](mailto:cschneider@1ssh.com)

**Subject:** RE: Biotrial Next Steps

**Importance:** High

Andrea,

We do not have a system filtering the water in the building. The filter is to be able to check if the water coming into the building is clear or not – this is done by running the water through a filter at the entry point in the basement and then out through a hose. We performed the same test in February, prior to contacting the City. At that time we had iron and lead particles coming into the building (please see below a picture of the previous filter – I have provided this information to your team as well as the lab analysis of the contents, which contained high levels of iron and lead particles).



Owen is going to open the filter and send me pictures of the contents - given the color of the water, I would not be surprised if we still have iron and lead particles coming into the building.

Allison

---

**De :** Adebowale, Andrea [<mailto:Adebowalea@ci.newark.nj.us>]

**Envoyé :** mardi 13 septembre 2016 19:49

**À :** Allison Kinnucan

**Cc :** Magdalena Padilla; Patricia Gardner; Owen Nurse; Gelin, Michel; Pierre Ollivier; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov); [cschneider@1ssh.com](mailto:cschneider@1ssh.com)

**Objet :** RE: Biotrial Next Steps

We do not know anything about your filtration system. Sample the water prior to the filtration and see what it looks like. Apparently, your filtration system may be the problem.

*Andrea Hall Adebowale, Director  
Department of Water & Sewer Utilities  
(973) 733-6303*

---

**From:** Allison Kinnucan [<mailto:Allison.Kinnucan@biotrial.com>]

**Sent:** Tuesday, September 13, 2016 1:41 PM

**To:** Adebowale, Andrea

**Cc:** Magdalena Padilla; Patricia Gardner; Owen Nurse; Gelin, Michel; Pierre Ollivier; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov); [cschneider@1ssh.com](mailto:cschneider@1ssh.com)

**Subject:** RE: Biotrial Next Steps

**Importance:** High

Andrea,

If it is helpful, I am willing to go through all of the testing and inspections that we have performed in our building prior to contacting the City of Newark in March regarding this issue. We have neither iron nor lead pipes in our building. Given the type of particles coming into the building, we have demonstrated that they cannot be coming from our pipes.

The problem is not isolated to the 4<sup>th</sup> floor. Please find below a picture of the filter that Owen installed in the basement following last Wednesday's flushing. Attached you will find a video of the water that he poured out of the filter this morning.





I would appreciate if someone could give a scientific explanation as to how our building could be causing this problem? When you said that the water is “clear” is this based on a lab test?

Thank you,  
Allison

---

**De :** Adebowale, Andrea [<mailto:Adebowalea@ci.newark.nj.us>]

**Envoyé :** mardi 13 septembre 2016 18:32

**À :** Allison Kinnucan

**Cc :** Magdalena Padilla; Patricia Gardner; Owen Nurse; Gelin, Michel; Pierre Ollivier; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Objet : RE: Biotrial Next Steps**

Allison,

The City of Newark took samples from the basement and the 4th floor yesterday. The basement sample was clear and the 4th floor sample was discolored. If the City's water is of poor quality, all samples would be discolored. Additionally, the basement sample would be the worse as it is closest to our supply. It is apparent you have an internal problem. We strongly recommend you inspect your internal plumbing system including injector pumps and filtration systems. Owen can contact Mike Gelin if he needs further clarification. We will forward the lab results as soon as they are available.

*Andrea Hall Adebawale, Director  
Department of Water & Sewer Utilities*

*Sent from my Verizon 4G LTE Droid*

On Sep 12, 2016 2:50 PM, Allison Kinnucan <[Allison.Kinnucan@biotrial.com](mailto:Allison.Kinnucan@biotrial.com)> wrote:

Hello all,

Please allow me to contact you as I have been notified by our Facilities Manager, Owen Nurse, that as of this morning, we are still experience extremely poor water quality in our building. This is following the flushing and inspections that were performed on September 7<sup>th</sup>. I apologize in advance for the rather unpleasant nature of the video that I am forwarding, but I prefer to keep you informed as to the ongoing problem. Owen took this video in our facilities around 8:30 am this morning in one of the 4<sup>th</sup> floor restrooms.

I understand that the City of Newark stopped by our facilities to take water samples later in the morning, and I assume that the results will be available in a few days. I would like to share with you that we are preparing a very important event in our facilities in September 30<sup>th</sup> to inaugurate the building. In addition to very important clients, a variety of local partners and international political representatives will be present. The thought of what our guests reaction would be if they were to encounter a similar water quality during the event is enough to keep me up at night between now and then. Any thoughts or solutions you can provide would be much appreciated.

Thank you,

Allison

---

**De :** Adebawale, Andrea [<mailto:Adebawalea@ci.newark.nj.us>]

**Envoyé :** lundi 29 août 2016 14:47

**À :** Allison Kinnucan; Gelin, Michel; Gardner, Patricia <[Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)> ([Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)); Owen Nurse; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Cc :** Pierre Ollivier; Padilla, Magdalena

**Objet :** RE: Biotrial Next Steps

Our contractor has confirmed Wednesday, September 7<sup>th</sup>. He will forward the liability insurance before that date.

*Andrea Hall Adebawale, Director*



---

**From:** Allison Kinnucan [<mailto:Allison.Kinnucan@biotrial.com>]

**Sent:** Monday, August 29, 2016 6:13 AM

**To:** Adebowale, Andrea; Gelin, Michel; Gardner, Patricia <[Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)> ([Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)); Owen Nurse; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Cc:** Pierre Ollivier; Padilla, Magdalena

**Subject:** RE: Biotrial Next Steps

Hi Andrea, Hi all,

Please allow me to follow up as I have not received a confirmation regarding the flushing date.

Thank you in advance for your response,  
Allison

---

**De :** Adebowale, Andrea [<mailto:Adebowalea@ci.newark.nj.us>]

**Envoyé :** mardi 23 août 2016 21:14

**À :** Allison Kinnucan; Gelin, Michel; Gardner, Patricia <[Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)> ([Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)); Owen Nurse; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Cc :** Pierre Ollivier; Padilla, Magdalena

**Objet :** RE: Biotrial Next Steps

Again, we can test for all parameters listed. The City of Newark has a certified laboratory that can and does test for lead as required by NJDEP and EPA. We will coordinate with our contractor within the next two days. We will confirm the flushing date by Thursday, August 25th.

---

**From:** Allison Kinnucan [<mailto:Allison.Kinnucan@biotrial.com>]

**Sent:** Tuesday, August 23, 2016 3:07 PM

**To:** Adebowale, Andrea; Gelin, Michel; Gardner, Patricia <[Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)> ([Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)); Owen Nurse; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Cc:** Pierre Ollivier; Padilla, Magdalena

**Subject:** Re: Biotrial Next Steps

Thank you for your response, Andrea. The dates that work the best for us are September 6th, 7th and 8th. Please let us know which of these is possible for you.

As far as I know, please correct me if I am wrong, the City of Newark has never tested our water for lead. We know that

there are lead particles entering the building because we placed a filter at the entry point and tested the filter. This is the reason that we are so insistant on knowing what is tested and when - we want to be sure that we no longer have lead coming into out building. Please confirm.

Thank you,

Allison

---

**De:** Adebowale, Andrea

**Envoyé:** mardi 23 août 2016 20:57

**À:** Allison Kinnucan; Gelin, Michel; Gardner, Patricia <[Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)> ([Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)); Owen Nurse; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Cc:** Pierre Ollivier; Padilla, Magdalena

**Objet:** RE: Biotrial Next Steps

The testing will be done after the flushing is completed. We will test for all parameters requested as we did in the past. Please provide us available dates to perform the flushing. We need a minimum of a five day notice for our contractor. We can schedule for any time after September 1<sup>st</sup> as long as you confirm by Friday, August 25<sup>th</sup>.

---

**From:** Allison Kinnucan [<mailto:Allison.Kinnucan@biotrial.com>]

**Sent:** Tuesday, August 23, 2016 2:02 PM

**To:** Adebowale, Andrea; Gelin, Michel; Gardner, Patricia <[Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)> ([Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)); Owen Nurse; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Cc:** Pierre Ollivier; Padilla, Magdalena

**Subject:** RE: Biotrial Next Steps

**Importance:** High

Hello all,

Please allow me to follow up as I did not receive a response to my message below. We are still waiting to set a date to perform the flushing and subsequent tests.

Thank you,

Allison

---

**De :** Allison Kinnucan

**Envoyé :** jeudi 18 août 2016 17:06

**À :** Adebowale, Andrea; 'Gelin, Michel'; Gardner, Patricia <[Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)> ([Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)); Owen Nurse; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Cc :** Pierre Ollivier

**Objet : RE: Biotrial Next Steps**

Hello all,

After internal discussions about the next steps regarding the flushing, testing and filters, please allow me to respond to your message. Biotrial will manage the installation and inspection of filters indicated below as based on previous evidence, visual inspection of the water has not been effective in detecting the iron and lead particles entering the building. As it is a bit unclear in the responses below, we would like to clarify that all of the samples will be tested for iron, lead, color, turbidity, total heterotrophic bacteria and total coliform? Can you confirm when the samples will be collected?

Thank you,

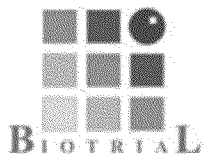
Allison

**Allison Kinnucan**

*US Project Manager*

[allison.kinnucan@biotrial.com](mailto:allison.kinnucan@biotrial.com)

[www.biotrial.com](http://www.biotrial.com)



7-9 rue Jean-Louis Bertrand | CS 34246 | 35042 Rennes Cedex | France | Tel.: 33 (0)2 99 59 91 91

Follow us on LinkedIn & Twitter!



---

**De :** Gelin, Michel [<mailto:Gelinm@ci.newark.nj.us>]

**Envoyé :** mardi 16 août 2016 19:43

**À :** Gardner, Patricia <[Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)> ([Patricia.Gardner@dep.nj.gov](mailto:Patricia.Gardner@dep.nj.gov)); Owen Nurse; Allison Kinnucan; [Dan.Kennedy@dep.nj.gov](mailto:Dan.Kennedy@dep.nj.gov)

**Cc :** Pierre Ollivier; Adebowale, Andrea

**Objet :** FW: Biotrial Next Steps

Good Afternoon,

Please see Newark response below in **red**.

---

**From:** Owen Nurse [<mailto:Owen.Nurse@biotrial.com>]

**Sent:** Friday, August 12, 2016 12:58 PM

**To:** Gardner, Patricia; Allison Kinnucan; Adebowale, Andrea; Kennedy, Dan

**Cc:** Pierre Ollivier; [cschneider@lssh.com](mailto:cschneider@lssh.com)

**Subject:** RE: Biotrial Next Steps

Good afternoon, Many thanks for this response. I am glad that we seem to be making progress here towards a resolution.

I will be coordinating the flushing and testing of the lines here. Can I ask to get a copy of the liability insurance from the company that you will be using?

**Yes. Before work begins Newark will forward the contractor liability insurance**

In speaking to Chris Schneider our water consultant, we have come up with a schedule of testing that we would like performed. This is detailing out the previously agreed upon scope ("**Newark will perform a follow up water quality testing weekly for thirty days or more to determine the efficiency of the high velocity flushing. Newark will share the results on the effectiveness of the flushing.**"):

Based on what we know from the previous testing, I would recommend that the following sampling plan be implemented post- flushing to assess and evaluate the effectiveness of the main flush through the Biotrial service line.

It will be important to flush the reconnected piping prior to the meter box and also that the meter box is thoroughly flushed before taking any water samples or connecting filters.

Install 3M Aqua Pure AP910R filters as previous used to assess if particulate iron is coming from the main. I would suggest that filters be installed as noted below and water run continuously through the filters during the test period. Collect water samples as noted below.

**Newark will not participate in filter installation post flushing. Once we can demonstrate there is no discoloration in the water in a naked eye, Newark will put an end to the joint effort.**

2 business days after the flush and prior to connecting the 1<sup>st</sup> filter, collect unfiltered water samples for analysis of total iron, lead, color, turbidity, total heterotrophic bacteria and total coliform. Let water run for 5 minutes through the sampling tap prior to collecting the samples.

**Will comply**

Install 1<sup>st</sup> filter 2 business days after the flush for a 24 hour period. Collect 2 sample sets of filtered water – one sample 2 hours after installation and one sample prior to removing the filter at 24 hours. The water samples will be submitted for total iron and lead analysis. Remove and open filter housing to inspect filter for visible iron particulate.

**Newark will not participate in filter installation post flushing**

Prior to connecting second filter, collect unfiltered water samples for analysis of total iron, lead, color, turbidity, total heterotrophic bacteria and total coliform. Let water run for 5 minutes through the sampling tap prior to collecting the samples.

**Same as comment 2**

Install 2<sup>nd</sup> filter for 7 days. Collect one sample of filtered water 2 hours after installation and one sample every 24 hours during business days. The water samples will be submitted for total iron and lead analysis. Remove and open filter housing to inspect filter for visible iron particulate.

**Newark will not participate in filter installation post flushing. However, will comply with sampling**

Prior to connecting third filter, collect unfiltered water samples for analysis of total iron, lead, color, turbidity, total heterotrophic bacteria and total coliform. Let water run for 5 minutes through the sampling tap prior to collecting the samples.

**Same as comment 4**

Install 3<sup>rd</sup> filter for 14 days. Collect one sample of filtered water 2 hours after installation and one sample every 48 hours during business days. The water samples will be submitted for total iron and lead analysis. Remove and open filter housing to inspect filter for visible iron particulate.

**Same as comment 4**

After removing the third filter, collect unfiltered water samples for analysis of total iron, lead, color, turbidity, total heterotrophic bacteria and total coliform after removing last filter. Let water run for 5 minutes through the sampling tap prior to collecting the samples.

**Same as comment 4**

Please forward the certificate of insurance and suggest dates that the flush can be performed.

Thank you for your time and efforts to resolve this situation.

Owen Nurse

973-309-6219

---

**From:** Gardner, Patricia [<mailto:Patricia.Gardner@dep.nj.gov>]

**Sent:** Thursday, August 11, 2016 3:25 PM

**To:** Allison Kinnucan; Adebowale, Andrea ([Adebowalea@ci.newark.nj.us](mailto:Adebowalea@ci.newark.nj.us)) ([Adebowalea@ci.newark.nj.us](mailto:Adebowalea@ci.newark.nj.us)); Kennedy, Dan

---

**Cc:** Owen Nurse  
**Subject:** Biotrial Next Steps

Allison and Andrea,

Thank you for your prompt consideration of the options and responses to the follow up questions. Newark is willing to pay for the video surveillance of the line. Newark will be using their own contractor. The video surveillance will be performed with all parties in attendance.

As we understand that this is a pressing issue, we ask that both parties work together to accelerate the planning and scheduling for flushing.

Regards,

Pat

Patricia L. Gardner

Director, Division of Water Supply & Geoscience

Mail Code 401-04Q, PO Box 420

Trenton, NJ 08625

Phone Number: (609) 292-7219

NOTE: This e-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This e-mail and its contents may be Privileged & Confidential due to the Attorney-Client Privilege, Attorney Work Product, Deliberative Process or under the New Jersey Open Public Records Act.

If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain, or redistribute it.